

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PHARMASTEM THERAPEUTICS, INC., a
Delaware corporation,

Plaintiff,

v.

CORD BLOOD REGISTRY INC., dba CBR, a
California corporation, and SUTTER HEALTH,
INC., a California corporation,

Defendants.

CBR SYSTEMS, INC., dba CBR, a California
corporation,

Counterclaimant,

v.

PHARMASTEM THERAPEUTICS, INC., a
Delaware corporation, STEMBANC, INC., a
Ohio corporation, NICHOLAS DIDIER; and
ARCHIBALD A. GRABINSKI,

Counterdefendants

No. C 04-03072 JSW

**ORDER GRANTING IN PART
AND DENYING IN PART CBR
SYSTEM, INC.'S MOTION TO
STAY PROCEEDINGS PENDING
RESOLUTION OF THE
MULTIDISTRICT LITIGATION
MOTION TO TRANSFER FOR
CONSOLIDATION AND
COORDINATION OF PRETRIAL
PROCEEDINGS IN A SINGLE
FORUM**

This matter comes before the Court upon consideration of CBR Systems, Inc.'s ("CBR") motion to stay these proceedings pending a ruling from the Judicial Panel on Multidistrict Litigation ("MDL") on a motion to transfer filed by, *inter alia*, CBR and Sutter Health, Inc. Having considered the parties' pleadings, the relevant legal authority, having had the benefit of oral argument, and concluding that a limited stay of these proceedings, pending a ruling from the MDL on the motion to

1 transfer, would further judicial economy and efficiency, the Court hereby GRANTS IN PART AND
2 DENIES IN PART CBR's motion to stay.

3 Specifically, the Court HEREBY STAYS: (1) all currently pending motions in this matter,
4 except Nicholas Didier's and Archibald Grabinski's motions to dismiss for lack of personal
5 jurisdiction; (2) further motions hearings and deadlines relating to recently filed motions; (3) deadlines
6 relating to claim construction proceedings; (4) deadlines relating to other pre-trial and trial
7 proceedings; and (5) discovery against Stembanc, Inc. and Mr. Grabinski, until after it has received a
8 ruling from the MDL on the motion to transfer. In light of the pending motion to dismiss for lack of
9 personal jurisdiction against Mr. Didier, the Court also STAYS discovery as to Mr. Didier in his
10 personal capacity.

11 The Court hereby DENIES the motion to stay to the extent it seeks to stay discovery between
12 CBR, Sutter, Pharmastem, and Mr. Didier in his official capacity. Thus, notwithstanding the fact that
13 the Court has not yet held a case management conference, those parties may proceed with discovery
14 as set forth herein.

15 The Court HEREBY ORDERS that the parties shall be bound by the discovery plan and
16 deadlines outlined in the Joint Case Management Statement, and the discovery cut-off date shall be
17 April 14, 2006, unless that plan and deadlines are modified by this Court or by a court to which the
18 MDL transfers this case.

19 **IT IS SO ORDERED.**

20
21 Dated: January 7, 2005

22 /s/ Jeffrey S. White
JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE